

REMARKS

By the present amendment, Applicant has amended Claims 1, 3, 4, and 5. Claims 1 through 7 remain pending in the present application. Claim 1 is the sole independent claim.

The Examiner objected to the title as being descriptive of the invention. The Examiner's suggested title has been duly noted. However, the title should be reflective of the claimed device, and Applicant has amended the title accordingly.

The Examiner objected to the drawings, and specification because the mesh screen of Claim 5 was not shown nor disclosed. Applicant has amended Claim 5 to recite the sheet material. Applicant submits that these objections are now moot and should be withdrawn.

In the recent Office Action the Examiner rejected Claim 5 under 35 U.S.C. § 112, second paragraph, as being indefinite. As noted above, Applicant has amended Claim 5 to recite the sheet material. Applicant respectfully submits that Claim 5, as amended, meet the specific requirements of 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 1, 2, and 6 under 35 U.S.C. 102(b), as being anticipated by Matsumoto. The Examiner rejected Claims 1, 4, and 5 under 35 U.S.C. 102(b), as being anticipated by Cheng et al.. The Examiner rejected Claims 3, and 7 under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Vosbikian. These rejections are respectfully traversed.

The applied prior art reference to Matsumoto discloses a dirt remover for water tanks and pools having a rectangular frame with a forward edge, a mesh basket, a scraper blade attached to the forward edge, and a handle. The dirt remover is used to strain debris from a water tanks, such as swimming pools, by capturing the dirt and debris while allowing water to flow freely through the mesh basket. Matsumoto is basically drawn to a non-analogous art and should not be applied either under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a).

The applied prior art reference to Cheng et al. discloses a mesh container for use in an organization structure, such as a drawer system, having a rectangular frame with a forward edge, and a mesh basket. The frame forming a lip around the container, the lip provides a suspension flange. Cheng et al. does not disclose a handle attached to the container (emphasis added). Cheng et al. is basically drawn to a non-analogous art and should not be applied under 35 U.S.C. § 102(b).

The applied secondary prior art reference to Vosbikian discloses a dustpan having a positionable handle. The dustpan is designed and configured to capture dirt and debris swept into the dustpan. The reference to Vosbikian is drawn to a non-analogous art and should not be applied under 35 U.S.C. § 103(a). Further, there is no guidance nor motivation founded in either Matsumoto or Vosbikian references that would have led one having ordinary skill in the to arrive at Applicant's uniquely constructed device for evenly distributing coloring powder to newly finished concrete.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Applicant has amended independent Claim 1 to recite that the at least one wall is solidly formed and has upper and lower edges, that the sheet material is attached adjacent to the lower edge of each wall, and that the attached handle extends from the wall. Applicant respectfully submits that neither Matsumoto nor Cheng et al. are anticipatory references with respect to the presently claimed embodiments. Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 102(b). In addition, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a) with respect to Claim 7 because there is no teaching found in the Matsumoto reference that one having ordinary skill in the art would have arrived at Applicant's invention because Matsumoto is drawn to a non-analogous art. Also, Applicant respectfully requests the withdrawal of the Vosbikian reference, as applied under 35 U.S.C. § 103(a) because Vosbikian is drawn from a non-analogous art, and there is no suggestion to combine as alleged by the Examiner.

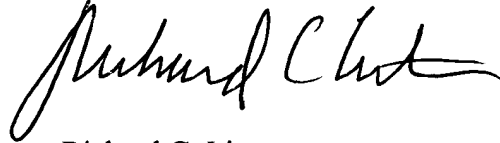
The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard C. Litman". The signature is fluid and cursive, with a long horizontal stroke at the end.

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